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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,586	12/19/2005	Marc F. Brown	00916.P1US	9824
61894	7590	01/18/2008		
STAINBROOK & STAINBROOK, LLP 412 AVIATION BOULEVARD SUITE H SANTA ROSA, CA 95403			EXAMINER TUCKER, WESLEY J	
			ART UNIT	PAPER NUMBER
			2624	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/561,586

Applicant(s)

BROWN ET AL.

Examiner

Wes Tucker

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12-19-05</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 4-6, 8-9, 11-13, 15-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,068,559 to Lubell et al.

With regard to claim 1, Lubell discloses ***a video system apparatus for analyzing sports skills, said video system apparatus comprising:***

***a kiosk portion*** (Fig. 3, element 60) ***including a display head with a video display and touch panel interface*** (Fig. 3, element 35 see column 6, lines 20-21);

***a first video camera connected to said kiosk portion*** (Fig. 2, element 12 and column 5, lines 19-26);

***a second video camera connected to said kiosk portion*** (Fig. 2, element 14 and column 5, lines 19-26); and

***means for processing signals from said first and second video camera and displaying an image on said display*** (column 5, lines 29-50 and column 6, lines 5-34,

the means are interpreted as the computer and the system used to gather and display the video images).

With regard to claim 2, Lubell discloses ***the video system apparatus for analyzing sports skills of claim 1 wherein said apparatus includes a payment receptacle to process payment*** (column 6, lines 45-52, see credit card reader).

With regard to claim 4, Lubell discloses ***the video system apparatus for analyzing sports skills of claim 1 wherein said apparatus includes an array microphone to detect the hit of a target ball*** (column 9, lines 45-50, Lubell discloses a microphone that registers the sound of a ball being hit).

With regard to claim 5, Lubell discloses ***the video system apparatus for analyzing sports skills of claim 1 wherein said apparatus includes means for providing advertisements on said video display*** (column 9, lines 28-31, Lubell discloses playing a promotional video on the touch screen display).

With regard to claim 6, Lubell discloses ***the video system apparatus for analyzing sports skills of claim 1 wherein said means for processing signals includes means to correct distortion from lenses*** (column 8, lines 15-22 and 53-57, Lubell discloses that the video is cropped, sized and positioned as well as corrected for brightness, contrast and tint).

With regard to claim 8, Lubell discloses ***the video system apparatus for analyzing sports skills of claim 1 wherein said kiosk portion includes a port for insertion of a portable memory device*** (column 6, lines 23-34, Lubell discloses the use of floppy drives and CD-ROM drives).

With regard to claim 9, Lubell discloses ***the video system apparatus for analyzing sports skills of claim 1 wherein said touch panel interface includes a graphical user interface*** (column 6, lines 23-34, Lubell discloses a Windows operating system which is a GUI).

With regard to claim 11, Lubell discloses ***the video system apparatus for analyzing sports skills of claim 1 wherein said touch panel interface includes network connectivity*** (column 7, lines 12-15, Lubell discloses that the connected over a network).

With regard to claim 12, the discussion of claim 1 applies. Lubell discloses a method for performing the steps in the use of the system discussed in claim 1.

With regard to claims 13, 15, 16, 17, 18 and 20, the discussions of claims 2, 4, 6, 8, 9 and 11 apply respectively.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patents 6,068,559 to Lubell et al and 5,210,603 to Sabin.

With regard to claim 3, Lubell discloses the video system apparatus for analyzing sports skills of claim 1, but does not explicitly disclose ***wherein said kiosk portion includes a finned extrusion for removing heat from heat-generating components in said kiosk.*** Sabin discloses finned extrusions for removing heat from a kiosk in (Fig. 1, by the louvers 20), which allow air circulation. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to add a finned extrusion for removing heat from the kiosk system of Lubell as suggested by Sabin in order minimize heat damage to the kiosk and to improve stability of the kiosk.

With regard to claim 7, Lubell does not explicitly disclose ***wherein said kiosk portion includes forced-air cooling of said display head.*** Sabin discloses a fan

(Fig. 1, element 32a) to cool a kiosk, including a display head (Fig. 1, element 40) and explains the cooling (column 6, lines 41-43). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to add a forced air cooling system for removing heat from the kiosk system of Lubell as suggested by Sabin in order minimize heat damage to the kiosk and to improve stability of the kiosk.

With regard to claim 14, the discussion of claim 3 applies.

3. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patents 6,068,559 to Lubell et al. and 6,864,866 to Cavallaro et al.

With regard to claim 10, Lubell discloses the video system apparatus for analyzing sports skills of claim 8, but does not explicitly disclose ***wherein said graphical user interface includes geometric sensing techniques.***

Geometric sensing techniques are described in the specification as conventional techniques allowing a user to draw shapes or telestrations on the screen (paragraph [0058] in the application publication). Lubell discloses allowing for the use of a stylus (column 6, lines 45-50). Stylus instruments are commonly known in the art to be used from drawing continuous shapes. Lubell also teaches allowing telestration on the video screen (column 11, lines 8-22). Cavallaro teaches the use of a telestration device with

a touch screen that allows users to draw shapes on the screen with their finger or a tool, such as a stylus (column 4, lines 35-52). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use the geometric sensing properties of the telestration device taught by Cavallaro in combination with the touch screen of Lubell in order to enable user input in the form of drawings.

With regard to claim 19, the discussion of claim 10 applies.

#### ***Relevant Prior Art***

4. The following U.S. Patents all disclose systems or methods for monitoring golf swings. The references are found to be pertinent although they are not relied on for the rejection.

7,166,035 to Voges et al.

5,772,522 to Nesbit et al.

6,083,123 to Wood

4,891,748 to Mann

6,881,067 to Tarry

6,786,730 to Bleckley et al.

#### ***Conclusion***



5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 571-272-7427. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wes Tucker



1-15-07